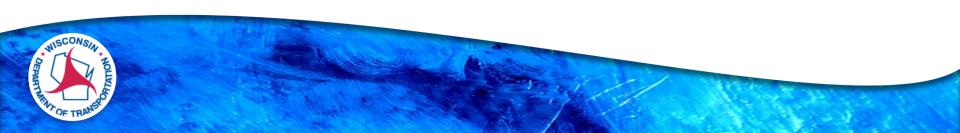
Local Transportation Funding Symposium April 2, 2015



MC Contracting Contacts

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Local Design Solicitation

- Notice of Interest NOI (FDM 8-5-20.2)
 - LPA must announce general interest for federal funded design
 - Solicitation Options
 - WisDOT Roster of Eligible Engineering Consultants
 - WisDOT Internet web site
 - Newspaper Advertisement
 - Local Internet web site
 - Established Roster maintained by LPA
 - Sole Source
 - Small Purchase FDM
- Selection Committee (FDM 8-5-20.3)
 - LPA shall establish a consultant selection committee
 - At least two (2) voting members and chair person
 - Develop objective criteria for selection
 - Evaluate NOI/interviews to develop short list of five (5) firms, minimum





Design Selection & WisDOT Approval

- QBS Process required for federally funded design
 - No Price Proposals (Brooks Bill)
- All selections require WisDOT approval
 - WisDOT approval required <u>PRIOR</u> to notifying firms
- Potential firms must be on WisDOT Eligible Roster
- Non-engineering selections
 - Check with WisDOT for other rosters
- Roster/Solicitation/Selection Documentation
 - Records must be retained for 3 years from construction completion

Sole Source (FDM 8-5-5)

- Unique/Emergency/Inadequate response to NOI
- WisDOT approval required





Local Design Solicitation

- Local Design Contracts Under \$120,000 (FDM 8-5-10)
 - Small Purchase Procedure
 - Contact minimum of three (3) consultants
 - Identify and DOCUMENT project scope, ranking criteria, and method of contacts
 - Total amended contract amount may NOT exceed \$150,000
- Local Design Contracts Over \$120,000 (FDM 8-5-20)
 - WisDOT Eligible Roster (Preferred)
 - WisDOT email
 - Local Roster (10 firms minimum)
 - Local Roster must be documented and maintained
 - NOI must be sent to entire local roster
 - Design Contracts estimated over \$1 Million
 - WisDOT part of selection committee
 - Oral interviews with 3-5 firms approved by WisDOT





Design Contract Negotiations (FDM 8-10-5)

- Contract Scope & Schedule
 - Jointly developed by LPA, MC, and selected consultant
- MC & LPA partner during contract negotiations
 - If agreed MC may take lead in negotiations
 - MC access to historical contract data
 - MC & LPA agree to range of contract price based on similar contracts
- Negotiations should be completed within two (2) meetings
 - Final contract cost offer given to #1 selected firm
 - If agreement is NOT reached, with WisDOT approval, terminate negotiations
 - Contact #2 firm after termination of negotiations with #1 firm
 - Final cost offer to firm #2 must not exceed final offer to firm #1
 - Negotiations with firm #1 cannot be reopened once terminated
- DBE requirements are determined by WisDOT
 - WisDOT assigns DBE participation on project basis
 - DBE requirements part of solicitation process





Design Contract Amendments (FDM 8-25-15)

- Amendments are required for ANY MODIFICATION of original contract services
 - Significant change in contract character, scope, complexity, or duration
 - Amendments may not expand scope beyond published solicitation (i.e. Preliminary engineering services may not be expanded to construction engineering services)
- Amendment procedures follow original Contract procedures
 - Formal scoping may be required
 - Formal negotiations may be required
- All amendments require WisDOT approval & signature
 - Unauthorized work is not allowed without executed amendment
 - Unauthorized work prior to proper execution not eligible for compensation
 - Work on ANY Contract amendment is prohibited prior to execution
 - Emergency circumstances or sudden unanticipated changes in a project (such as additional subsurface drilling) may be authorized with WisDOT verbal approval. This must be followed up by written amendment procedures
- Total sum cannot exceed original Contract amount
 - Amendment process time based on WisDOT amendment thresholds (\$50,000)
 - Region threshold <\$50K
 - C.O. threshold >\$50K



Contract Claims and Disputes (FDM 8-25-25)

- Process is included in WisDOT two and three party boilerplates
- Early notification to impacted consultant & WisDOT required
- ▶ LPA provides documentation and its own representative in process
- WisDOT reviews facts from both parties
- Appeals to WisDOT final decision may be filed to State Claims Board by either party in dispute



Two-Party Design Contracts

- Two-Party Design Contracts (No Federal Funding)
 - Not required to follow FDM Chapter 8 procedures
 - Design Consultant required to be on WisDOT Eligible Roster
- Two-Party Municipal Engineering Contracts
 - Funds must be part of SMA
 - LPA must show qualifications to perform design services
 - LPA must submit a cost allocation plan to WisDOT to establish indirect cost rate
 - Profit not allowed
 - Two-Party contracts for oversight of design consultant are not allowed





Conflict of Interest

- Local Consultants on retainer are prohibited from federal design if :
 - Administrative consultant under retainer is involved selection/negotiation of designer
 - Administrative consultant under retainer is involved part of selection committee
 - Consultant under retainer is an employee of firm representing the local in negotiation of contract with his/her own firm
 - Consultant under retainer as the municipal engineer is named as municipal representative in charge of a contract with consultants' firm
 - FDM 8-5-55
- Consultant considered as designer cannot assist in developing application or scope/cost of future local project
- Consultant who performs Trans 213 Independent Study (structure rehab report) is prohibited from selection under federal funded design
 - This does not pertain to structure inspections
- It is permissible to perform structure inspection and compete for the structure design contract
- Consultant that performs design is not permitted to perform construction engineering services



Consultant Contract OverviewTwo-Party Construction Contracts (FDM 8-5-25)

- Two-Party Construction Engineering Contracts (LET & LFA)
 - WisDOT solicits and selects construction engineering firm
 - MC leads contract scoping and negotiations
- Two-Party Construction Engineering Contracts (LLC)
 - Follow procedures of Sponsor's Guide to Non-Traditional Project Implementation for reimbursement of federally funded construction engineering services
 - In-house or consultant management services
 - Sponsor's Guide procedures
 - Include WisDOT Two-Party Boilerplate





Question/Answer Period

Thank You For Listening



ID 2806-09-70 CTH C, Racine County

